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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MARTIN BINMON AVERY,

15 Defendant.
16

CR 12-00618 CW

STIPULATION TO CONTINUANCE
AND EXCLUSION OF TIME UNDER
THE SPEEDY TRIAL ACT, 18 U.S.C. §
3161 ET. SEQ.; ORDER

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the detention
18 hearing date of November 1, 2012 presently scheduled at 9:30 a.m., before the Honorable Donna
19 M. Ryu, be vacated and re-set for November 6, 2012 at 9:30 a.m.

20 The requested continuance is necessary because government counsel is unavailable on
21 November 1 and 2, 2012 and defense counsel is unavailable on November 5, 2012.

22 The parties agree and stipulate that the time until November 6, 2012 should be excluded,
23 under 18 U.S.C. §3161(h)(7)(A) and 18 U.S.C. §3161(h)(7)(B)(iv) because the ends of justice served
24 by the granting of the continuance outweigh the best interests of the public and the defendant in a
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1 speedy and public trial. The continuance is necessary to afford the Defendant and the government
2 continuity of counsel.

3 Date: October 30, 2012

4 /s/
ELLEN V. LEONIDA
Assistant Federal Public Defender
Counsel for defendant MARTIN AVERY

6 Date: October 30, 2012

7 /s/
OWEN MARTIKAN
Assistant United States Attorney

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11 **ORDER**

12 The court finds that the ends of justice served by the granting of the continuance outweigh
13 the best interests of the public and the defendant in a speedy and public trial. The continuance is
14 necessary to afford the defendant and the government continuity of counsel. Based on these
15 findings, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to
16 November 6, 2012 at 9:30 a.m., before the Honorable Donna M. Ryu, and that time is excluded until
17 November 6, 2012 pursuant to 18 U.S.C. § 3161(h)(7)(a) and 18 U.S.C. §3161(h)(7)(B)(iv).

18 IT IS SO ORDERED.

19
20 10/30/2012

21 Date



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HON. DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE